



Sen. John J. Millner

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LRB096 16951 RLJ 39759 a

1 AMENDMENT TO SENATE BILL 2850

2 AMENDMENT NO. _____. Amend Senate Bill 2850 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Sections 1-4-6, 1-4-8, and 11-1-2.1 as follows:

6 (65 ILCS 5/1-4-6) (from Ch. 24, par. 1-4-6)

7 Sec. 1-4-6. Indemnification for injuries caused by a member
8 of a police department. In case any injury to the person or
9 property of another is caused by a member of the police
10 department of a municipality having a population of less than
11 500,000 while the member is engaged in the performance of his
12 or her duties as a police officer, and without the contributory
13 negligence of the injured person or the owner of the injured
14 property, or the agent or servant of the injured person or
15 owner, the municipality in whose behalf the member of the
16 municipal police department is performing his or her duties as

1 police officer shall indemnify the police officer for any
2 judgment recovered against him or her as the result of such
3 injury, except where the injury results from the wilful
4 misconduct of the police officer, to the extent of not to
5 exceed \$1,000,000 including costs of the action. Any police
6 officer, or any person who, at the time of performing such an
7 act complained of, was a police officer, who is made a party
8 defendant to any such action shall, within 10 days of service
9 of process upon him or her, notify the municipality by whom he
10 or she is or was employed, of the fact that the action has been
11 instituted, and that he or she has been made a party defendant
12 to the same. Such notice shall be in writing, and shall be
13 filed in the office of the city attorney or corporation
14 counsel, if there is a city attorney or corporation counsel,
15 and also in the office of the municipal clerk, either by
16 himself or herself, his or her agent, or attorney. The notice
17 shall state in substance, that such police officer, (naming him
18 or her), has been served with process and made a party
19 defendant to an action wherein it is claimed that a person has
20 suffered injury to his or her person or property caused by such
21 police officer; stating the title and number of the case; the
22 court wherein the same is pending; and the date such police
23 officer was served with process in such action, and made a
24 party defendant thereto. The municipality which is or may be
25 liable to indemnify the police officer shall have the right to
26 intervene in the suit against the police officer, and shall be

1 permitted to appear and defend. The duty of the city to
2 indemnify any such policeman for any judgment recovered against
3 him or her shall be conditioned upon receiving notice of the
4 filing of any such action in the manner and form hereinabove
5 described.

6 For the purposes of this Section, no civilian defense
7 worker, nor any member of any agency engaged in any civilian
8 defense activity, performing services as a part of any civilian
9 defense program, shall be considered to be a member of a
10 municipal police department.

11 If any person in obeying the command of any such policeman
12 to assist in arresting or securing an offender is killed or
13 injured, or his or her property or that of his or her employer
14 is damaged, and such death, injury or damage arises out of and
15 in the course of aiding such policeman in arresting, or
16 endeavoring to arrest, a person or retaking or endeavoring to
17 re-take a person who has escaped from legal custody, the person
18 or employer so injured, or whose property is so damaged, or the
19 personal representatives of the person so killed, shall have a
20 cause of action to recover the amount of such damage or injury
21 against the municipal corporation by which such police officer
22 is employed at the time such command is obeyed.

23 If a police officer is acting within a municipality other
24 than his or her employing municipality under an agreement
25 pursuant to Section 11-1-2.1, the liability or obligation to
26 indemnify imposed by this Section does not extend to both

1 municipalities. Only that municipality designated by the
2 agreement is subject to such liability or obligation to
3 indemnify, but, if the agreement is silent as to such liability
4 or obligation, then the municipality by which the police
5 officer is employed is subject to such liability or obligation.

6 If a police officer is acting within a municipality other
7 than his or her employing municipality under the provisions of
8 Section 1-4-8, the liability or obligation to indemnify imposed
9 by this Section shall be the liability or obligation of the
10 requesting municipality only, unless a mutual assistance
11 agreement to the contrary exists under Section 11-1-2.1. The
12 notice required in this Section 1-4-6 shall be given to the
13 municipality in which he or she was acting if other than his or
14 her employing municipality.

15 (Source: P.A. 92-810, eff. 8-21-02.)

16 (65 ILCS 5/1-4-8) (from Ch. 24, par. 1-4-8)

17 Sec. 1-4-8. Police assistance from other municipalities;
18 liability. In addition to the powers of the police of any
19 municipality under Section 7-4-8 of this Act, the corporate
20 authorities of any municipality under 500,000 population may
21 request of any other such municipality or municipalities its
22 police and police department equipment, and any such requested
23 municipality may furnish its policemen and police department
24 equipment, to aid the requesting municipality in suppressing or
25 attempting to suppress, any mob action, riot or civil

1 disturbance occurring within the requesting municipality, to
2 preserve the peace, and to protect the lives, rights and
3 property of citizens, unless a ~~regardless of whether any~~ mutual
4 assistance agreement to the contrary exists under Section
5 11-1-2.1 of this Act.

6 Any municipality requesting and receiving such assistance
7 from another jurisdiction shall be liable or obligated to
8 indemnify the furnishing police department for any of its
9 equipment damaged or destroyed, and the individual policemen so
10 furnished for any material damage to property, injury to his or
11 her person or on account of his or her death, resulting from
12 the unlawful activities performed or caused by the mob action,
13 riot or civil disturbance, being or attempted to be suppressed
14 by the requesting municipality.

15 Municipalities requesting police assistance under this
16 Section shall also be liable for any liability or obligation to
17 indemnify the furnished policeman, their legal representatives
18 in case of death, or the furnishing municipality or police
19 department, as the case may be, for any liability or obligation
20 to indemnify created by Section 1-4-5 and 1-4-6 which may occur
21 as a result of any police assistance furnished under this
22 Section.

23 Policemen furnished to other municipalities under this
24 Section have all the powers of the police officers of the
25 requesting municipality and are subject to the direction of the
26 chief of police of the requesting municipality; however, they

1 shall retain all their pension and disability rights while so
2 furnished and working outside of their police district or
3 territory.

4 The corporate authorities of any municipality included in
5 this Section may contract to procure necessary liability
6 insurance to cover any liability created or imposed by this
7 Section.

8 (Source: Laws 1968, p. 26.)

9 (65 ILCS 5/11-1-2.1) (from Ch. 24, par. 11-1-2.1)

10 Sec. 11-1-2.1. Mutual assistance agreements. In addition
11 to the powers of the police of any municipality under Section
12 7-4-8 of this Act, the corporate authorities of each
13 municipality having a population of less than 500,000 may enter
14 into agreements with any other such municipality or
15 municipalities to furnish police assistance on request. Such
16 agreements shall contain provisions in relation to any
17 liability, including any liability or obligation to indemnify
18 created by Sections 1-4-5, 1-4-6, or 1-4-8 ~~Section 1-4-5 or~~
19 ~~Section 1-4-6~~, which may occur as a result of any police
20 assistance furnished under such agreements.

21 Police officers furnishing assistance under such
22 agreements have all of the powers of police officers of any
23 requesting municipality and are subject to the direction of the
24 chief of police of a requesting municipality.

25 (Source: Laws 1967, p. 3284.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".